

Fair and continued cool tonight with frost Saturday fast with slowly rising temperature; gentle variable winds.											
TEMPERATURE AT EACH HOUR											
8	9	10	11	12	1	2	3	4	5	6	7
55	44	40	40	51	51	51	51	51	51	51	51

SERVICE COMMISSION EXCEEDED AUTHORITY IN 7-CENT FARE RULE

No Court Will Uphold New Order, Declare Leading Lawyers

USURPS FUNCTIONS OF COMPANY OFFICIALS

Commission Can "Manage" P. R. T. It Can Interfere With Other Utilities

ACTION IS DANGEROUS PRECEDENT IN BUSINESS

Basic Report of Engineer Has Been Sequestered by Commissioner Clement

By GEORGE NOX McCAIN

"If the decision of the Public Service Commission granting a seven-cent fare, with four tickets for a quarter and three-cent transfers, is permitted to stand unchanged, it will be a dangerous precedent for every public utility corporation in the state.

"The Public Service Commission has overstepped its authority. It has assumed a dangerous power that was conferred upon it by the Legislature when the commission was organized.

"I do not believe there is a court in Pennsylvania that would uphold the Public Service Commission in the manner in which this P. R. T. decision was rendered."

I am quoting in the above the opinion of lawyers. One of them is a state figure. Another is a member of the bar who, perhaps, is the best-posted individual on traction affairs and laws in Philadelphia.

No one of them represents any traction interest.

May Nullify Action

The question raised is whether the members of the Public Service Commission have not transcended their authority, and thus nullified their own action in entering the P. R. T. to charge a seven-cent fare or four tickets for a quarter, with three-cent exchanges.

That is the opinion of members of the bar quoted above.

The Public Service Commission by its action on the rate has therefore undertaken the management of the Philadelphia Rapid Transit Company, and has expressed the desires of the P. R. T. management, usurped its functions and assumed authority absolutely contrary to law and to the act creating the commission.

There has been blunders in handling this P. R. T. affair, Commissioner Clement, who with Commissioner G. B. C. is in the hot seat, has accepted by the entire commission to a certain report of the commission's engineer as a basis for his decision.

Report Was Sequestered

According to this engineer's report, Commissioner Clement declared that the higher rate fixed by him, a seven-cent fare, four tickets for a quarter and three-cent exchanges, would be better than the P. R. T. than a straight five-cent fare eliminating all transfers and exchanges, as was asked for by the company.

Then the Public Service Commission proceeded to sequester the report of the engineer just as though they were afraid of its becoming public.

But, having been specifically referred by Commissioner Clement in his report on the case to the report of the engineer, that reference removes the report from the executive control of the commission and makes it a part of the public record.

Anyhow, what is the object of keeping this engineer's report in the shadow?

Whether or not the Public Service Commission of Pennsylvania, which up to the present instance has been singularly free from any charge or criticism of having arrogated a power to itself which is not its right, has exceeded its authority in the act of keeping this report in the shadow, it is boldly charged that it has.

Act Says "Regulate"

Under the act establishing the Public Service Commission, which became effective for all purposes January 1, 1914, Article IV Section 1 of the act definitely specifies the functions of the Commission.

It says:

"For the purpose of regulating public service companies and of carrying out the provisions of this act, an administrative body or commission is hereby established, etc., etc."

The Public Service Commission then is a regulatory and not a managerial body. There is a vast difference.

The commission has power after hearing, upon its own motion, or upon complaint, to determine whether rates, fares and tolls are unjust and unreasonable.

There is nothing in the law that empowers it arbitrarily to order into effect a higher rate than that requested by a public service corporation as being sufficient to meet its necessities.

The P. R. T. Co. asked permission to continue the five-cent fare, at the same time, to allow all exchanges and transfers. It claimed that by charging a

Continued on Page Two, Column Three

PAPAL NUNCIO IN WRECK

Argentina Strikers Start Wild Engine, Which Hits Train

Buenos Aires, Oct. 29.—(By A. P.)—A series of violence in connection with labor troubles were reported from various parts of the country yesterday. Many striking miller Vassallo di Torrez, the papal nuncio to Argentina, was killed by a wild locomotive near Tucuman. Ten persons were injured. The nuncio was unhurt.

The authorities charge that strike sympathizers set the wild engine in motion.

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Week-End Weather to Be Fair and Cool

Today—Fair and continued cool tonight with frost; slowly rising temperature.

Tomorrow—Fair, gently westerly winds becoming variable.

Sunday—Fair with slowly rising temperature; gentle variable winds.

New crop of Eastern Cranberries, and earliest to arrive.—Ed.

MAYOR DECLARES THREATS BY VARE ARE OF NO EFFECT

Moore Undismayed by Senator's Intimation of Conspiracy Charge in Council Fight

RENEWS PLEDGE TO VOTER OF FREE AND FAIR ELECTION

Threats to make conspiracy charges have been made by Senator Vare in connection with the councilmanic contest in the First district, Mayor Moore asserted today.

The Senator, Mr. Moore declared, told Director of Public Safety Cortelyou the police were active politically in the five wards of the district.

"Threats do not go with this administration," the Mayor asserted. "There is no boss in this city big enough to override the law, least of all a discredited contractor boss."

Mayor's Statement

In a statement, following a conference with Director Cortelyou, the Mayor said:

"I have gone over with the director the matter of the interview had with him yesterday afternoon by Senator Vare and Councilman Gaffney. The purpose of that interview can best be explained by the Mayor's statement. It is clear from the director's statement that he called to discuss alleged police interference with political conditions in the First district, where he has been watching Charles J. Pommer, a business man who has indicated his opposition to contractor rule and his desire to uphold and support the administration."

"The orders to Director Cortelyou and his orders to the men under his command have been to enforce the law and to see that the law is observed. No instructions of any kind have been authorized which would permit the police to interfere in politics. Such interference has been strictly forbidden, but the burden of the complaint of the director, where he had to do with such alleged interference."

Senator Disturbed

"After the director had stated the department's position of noninterference, Senator Vare, evidently disturbed by the attitude of the department and still indicating, it is believed, his intention that he had fought the new city charter in every way he could, but 'now that they have got it, I intend to see that they live up to it.'"

"The Mayor's opinion is that there is such a thing as a conspiracy and conspiracy charged, which may be interpreted by the senator as meaning something, but which was the intention here as a threat of what he intended to do to the officers of the law and the administration if his requirements were not complied with. He is a man who has conspired yesterday and the threatening attitude of Senator Vare the statement made by me last night is reiterated with emphasis. There is no boss in this city big enough to override the law, least of all a discredited contractor boss, who evaded the law at the time of election, dominate a city committee and hold the obstructive balance of power in the Council."

BENJ. W. GREER, SR., DIES

Retired Manufacturer Succumbs at Rittenhouse Square Home

Benjamin W. Greer, Sr., a retired manufacturer died at 12:10 o'clock this morning at his home, 1830 Rittenhouse square.

Greer held a little reunion dinner for members of his family at his home last night. He said he felt inclined to go to the dinner and retired. He was found dead at his home, but he died shortly after midnight.

Mr. Greer was founder of the Bellevue Worsted Mills, at Sixteenth street and Hunting Park avenue. He retired from business two years ago, after turning over the plant to two sons, Benjamin W. Greer, Jr., and Francis K. Greer. He is also survived by a daughter, Mrs. Frank L. Wood, of Germantown.

Mr. Greer was a member of the Union League, the Huntingdon Valley Country Club, La La Temple and the Philadelphia Consistory. He always was interested in clean politics and had printed 50,000 pamphlets for the coming election.

FIRE SWEEPS FACTORY

Does \$15,000 Damage to Columbia Avenue Woodwork Plant

A fire that swept through the plant of the Philadelphia Woodwork Co. at Third street and Columbia avenue, after 10 o'clock today, damaged the building and its contents to the extent of \$15,000.

Damage of \$300 was done to the home of John Renschler, 310 Columbia avenue, adjoining the plant. The woodwork company's building is a three-story brick structure, extending from 312 to 320 Columbia avenue.

BRITISH PLAN STIRS FRANCE

Renunciation of Right to Confiscate German Property Opposed

Paris, Oct. 29.—French diplomatic representatives in London have been instructed by the government to say before the British Government the French point of view concerning the decision of the British Government to renounce the right of confiscation of German property in the United Kingdom, according to newspapers here.

DECLINES SHIP BOARD POST

Wisconsin Man Thru to Refuse Appointment to New Body

Washington, Oct. 29.—(By A. P.)—Martin J. Gillen, of Wisconsin, has telegraphed President Wilson declining to serve on the new shipping board.

Mr. Gillen is the third of the seven men selected by the President to decline appointment. The others are Theodore Marburg, of Baltimore, and Gavin McNab, of San Francisco.

The only one of seven known to have accepted appointment is Joseph N. Teal, of Portland, Ore.

SNOW FALLS IN SHARON, PA.

Sharon, Pa., Oct. 29.—(By A. P.)—Snow fell to the depth of between two and three inches early today at Charleston, seven miles east of Sharon, and in the northern part of the county. Less than an inch of snow fell in Sharon.

When you write, please use the following address: PHILADELPHIA, PA., OCT. 29, 1920.

WILSON WRITES COX COMMENDING COURSE

Washington, Oct. 29.—(By A. P.)—President Wilson today sent the following letter to Governor Cox:

"29th of October, 1920.

"My dear Governor Cox:

"As the campaign approaches its climax, I want to give myself the pleasure of writing to say with what admiration I have followed your course throughout the campaign. You have spoken truly and fearlessly about the great issues at stake, and I believe that you will receive the emphatic endorsement of the voters of the country.

"As one of those voters, and as one of your fellow-citizens, I want to express my entire confidence in you and my confident hope that under your leadership we may carry the policy of the national government forward along the path of liberal legislation and humane reform, until the whole world again sees an illustration of the wholesome strength of democracy and the happy fruit of what the founders of the republic purposed when they set this great government up.

"Allow me to sign myself,

"Your gratified and loyal supporter,

"WOODROW WILSON."

HAYS SEES 360 ELECTORAL VOTES SURE FOR HARDING

Possibility That Number Will Reach 392 in Expected Landslide

TIDE SETTING TOWARD COX, CHAIRMAN WHITE ASSERTS

New York, Oct. 29.—In statements issued today Will H. Hays, chairman of the Republican National Committee, and George White, head of the Democratic committee, each claimed success for his ticket.

"Reports indicate that Harding and Coolidge will be elected by the largest popular majority ever cast in a presidential election," Mr. Hays says in his statement. "On the part of the Republican party this campaign has been predicted as necessary for the revival of patriotism in this country. It has had for a main purpose the re-establishment of an economic and efficient administration of the country's government."

"The Democratic strategy in this campaign has desperately sought to escape the due responsibility for Democratic extravagance, autocracy and failure to solve any of the domestic problems. The Democratic management has attempted to hide behind a 'peace' smoke screen which is counterfeited as the 1916 pledge that Wilson would 'keep us out of war.'"

Upmost in Public Conscience

"But America is upmost in the conscience today and that means that the American voter is intent upon making America safe at home as well as abroad, and that the Democratic party cannot avoid responsibility for eight years of maladministration. The election is determined by the amount of work in Washington will not longer be denied attention, that all the domestic problems shall be met and solved immediately, before which the Democratic party has confessed bankruptcy."

"The Republicans have succeeded in the earnest effort to keep their campaign on their feet. In this campaign they will continue to the end, unaffected in any way by the depths to which the opposition is descending in the complete ruin of the campaign."

"I have 100 per cent faith in complete Republican victory this fall, because I have 100 per cent confidence in American common sense, and because I have 100 per cent confidence in the dependable American intelligence which certainly express itself at the November poll."

"Thirty-two states are surely Republican, seven additional most probably Republican, and only nine at the most safely Democratic. The minimum number of electoral votes is 308. There is very much more than even chances for twenty-four more, making the almost certain Republican majority 392, with a very probable additional twenty-five."

Mr. Hays added that the Republican majority would exceed "the unprecedented Roosevelt electoral majority of 1904."

CHAIRMAN WHITE'S STATEMENT

Chairman White was equally positive in his assertions that Cox and Roosevelt would be victorious. He said:

"The general political situation at the close of the last week of the campaign is such that we are confident that the vote will be cast for the Republican party."

Mr. White said that the Republican party is in a position to win the election. He said that the Republican party is in a position to win the election. He said that the Republican party is in a position to win the election.

SAUSAGES AND SHOPPING

Brisk Fall Weather Serves as General Stimulus

The briskest weather of the season jangled up Philadelphians in great shape today. The fall fog had cleared their bow along with the snappy weather. Men walked briskly and twirled their sticks; women's cheeks glowed with color. It was a "regular weather" at last. The weather may predict it will be fair and continued cool with frost tonight. Saturday will be fair with slowly rising temperature. On in Fairmount Park there were unmistakable patches of frost here and there. The women of the family began to talk of completing the children's winter wardrobe. It was a "regular weather" at last. The weather may predict it will be fair and continued cool with frost tonight. Saturday will be fair with slowly rising temperature. On in Fairmount Park there were unmistakable patches of frost here and there. The women of the family began to talk of completing the children's winter wardrobe. It was a "regular weather" at last. 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